

FILED  
GREAT FALLS DIV.  
'07 SEP 6 AM 9 03  
PATRICIA L. [unclear]  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

CHRIS DANIELS,

Plaintiff,

vs.

MR. MacDonald, et al.,

Defendants.

No. CV 07-13-GF-SEH

**ORDER**

On August 9, 2007, United States Magistrate Judge Keith Strong entered Findings and Recommendation<sup>1</sup> in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear error.

Upon *de novo* review of the record, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

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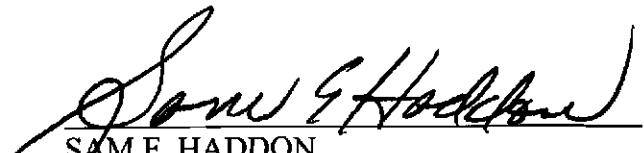
<sup>1</sup> Docket No. 9

ORDERED:

1. Plaintiff's Complaint<sup>2</sup> is DISMISSED with prejudice for failure to state a claim upon which relief may be granted.
2. The filing of this action counts as one strike for failure to state a claim. 28 U.S.C. § 1915(g).
3. Any appeal from this disposition will not be taken in good faith as the conditions of confinement alleged in the Complaint fall far short of what is required to show a violation of the United States Constitution. Fed. R. App. P. 24(a)(3). Plaintiff would have to allege substantially different and harsher conditions of confinement to plead a viable claim under 42 U.S.C. § 1983.

The Clerk of Court is directed to enter judgment accordingly.

DATED this 5<sup>th</sup> day of September, 2007.

  
SAM E. HADDON  
United States District Judge

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<sup>2</sup> Docket No. 1